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## Judge Tells Concert Promoter to Take A (Moon)walk in Suit Against Michael Jackson's Estate and Rival Promoter

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A federal district court judge in Manhattan said *Beat It* to most counts in a \$300 million suit filed against Michael Jackson's estate, Jackson's supposed ex-manager, and Anshutz Entertainment Group over promotional rights to the comeback tour the King of Pop was planning prior to his death last summer. [Hat tip: Courthouse News.]

The plaintiffs, Allgood Entertainment, Inc., alleged in a [May 2009 complaint](#) (filed a month before Jackson died) that Jackson, though his purported manager, Frank Dileo, had signed a deal to perform either a solo concert tour or a Jackson Family reunion concert to be promoted by Allgood. But months after striking its deal with Dileo, Allgood alleged, Allgood found out that Jackson had, in fact, agreed to work with AEG on the "This Is It" series of shows scheduled to begin in London in the fall of 2009. Represented by Meyerowitz Jekielek, Allgood claimed breach of contract, fraud, and tortious interference against Jackson, Dileo, and AEG.

But Manhattan federal district court judge Harold Baer found there were "no specific factual allegations" to support Allgood's claim for tortious interference, and Allgood's factual basis for fraud was "at best thin." In an 18-page ruling, the judge denied Allgood's request for an injunction, and granted defense motions to dismiss the fraud and tortious interference claims. He denied a motion to dismiss the breach of contract claim, finding there was sufficient uncertainty for it to proceed. But the judge seemed quite skeptical about whether Allgood even had an enforceable contract with Dileo, agreeing with defendants that the document in question was more of a letter of intent rather than a binding offer and acceptance.

AEG's lead counsel, Kathleen Ann Jorrie of Luce, Forward, Hamilton & Scripps, told us she wasn't surprised by the ruling. "I believe the judge is correct in his assessment, and that he did a very thorough analysis in his review of both our motion and Dileo's. It was nice to receive it when we did, because we were in the process of preparing a summary judgment motion. Now we won't have to do the work on it," Jorrie said. AEG, she noted, is now out of the case because it's not a party to the surviving breach of contract claim.

Howard Weitzman of Kinsella, Weitzman, Iser, Kump & Aldisert, who is counsel to Jackson's estate, said he intends to file a summary judgment motion on the contract claim within the week. "From the estate's perspective...Michael Jackson never agreed to anything, never breached any agreement, and...should not be held liable for any damages that were incurred, if they were incurred," he said. "Based on what I know today, I don't think any truthful fact will surface that will change my opinion that the estate does not owe Allgood anything." (Frank Dileo, according to the docket, was represented by Greenberg Traurig. We were unable to reach his lawyer for comment.)

Plaintiffs lawyers Ira Scot Meyerowitz and Jon Damon Jekielek of Meyerowitz Jekielek told us they're still expecting a [Thriller](#) of a trial in the fall. "We were disappointed that the claims against AEG were dismissed, but we're encouraged that the claims our client has against Dileo and the estate of Michael Jackson are still in play," Jekielek said. "We've gone forward with depositions and discovery over the last couple of months, and we're more confident in our claims against the remaining parties."

Meyerowitz said he's not ready to give up on claims against AEG. "I may consider a motion for reconsideration," he said. "We believe there is knowledge on AEG's side, however we don't have the smoking gun we need. What do you do when you have a person who is dead like Michael Jackson, who can't say he knew about the Allgood agreement and told AEG about it?"

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